

REMARKS

Claims 59-60 are amended. Claims 57-75 are pending.

In response to the Restriction Requirement mailed October 30, 2006, Applicant provisionally elects, with traverse, the claims of Group I (claims 57-61 and 63-75) directed to a method for the stable transformation of monocot tissue or cells, including contacting monocot tissue or cells with an *Agrobacterium* containing a recombinant DNA and one or more agents selected from the group consisting of a sulfhydryl-containing agent, methionine, an iron chelator, a copper chelator, an inhibitor of plant polyphenol oxidase and an inhibitor of plant peroxidase; and identifying stably transformed plant tissue or cells. With regard to the election of species from an agent (species a-f) and a plant (species i-iv), Applicant provisionally elects, with traverse, the specie a sulfhydryl-containing agent (specie a) and the specie maize (specie i). Applicant believes claims 57-60 and 63-75 read on the elected species. Reconsideration and withdrawal of the Restriction Requirement and the election of species, in view of the remarks below, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are closely related. That is, claims directed to a method for the stable transformation of monocot tissue or cells, including contacting monocot tissue or cells with an *Agrobacterium* containing a recombinant DNA and one or more agents selected from the group consisting of a sulfhydryl-containing agent, methionine, an iron chelator, a copper chelator, an inhibitor of plant polyphenol oxidase and an inhibitor of plant peroxidase; and identifying stably transformed plant tissue or cells (claims 57-61 and 63-75; Group I) are clearly related to claims directed to a method for the stable transformation of plant tissue or cells, including contacting plant tissue or cells with an *Agrobacterium* containing a recombinant DNA and one or more agents selected from the group consisting of a sulfhydryl-containing agent, methionine, an iron chelator, a copper chelator, an inhibitor of plant polyphenol oxidase and an inhibitor of plant peroxidase; and identifying stably transformed plant tissue or cells (claims 58-75; Group II).

The Restriction Requirement is also traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it

arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. Evidence that the claims in Group I and the claims in Group II are related and can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner is provided in the Restriction Requirement, as those claims are in the same class and subclass (class 800 and subclass 294) for search purposes.

Thus, the Restriction Requirement is properly traversed. Accordingly, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

The requirement to elect species is traversed on the basis that the species have a relationship. The relationship for the agents in species a-f is that they enhance plant transformation. The relationship for the plants in species i-iv is that they are monocots. Therefore, withdrawal of the specie elections is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

PAULA M. OLHOFT ET AL.

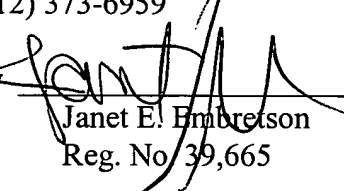
By their Representatives,

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Date

November 30, 2006

By


Janet E. Embretson

Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of November 2006.

Name

Paul M. Poole

Signature

Paul M. Poole